APPENDIX A.

Order Denying Writ of Habeas Corpus,

In re Morse on Habeas Corpus
Crim. No. 10979

Petition for Writ of Habeas Corpus Denied.

William I. Sullivan, Clerk
Supreme Court of the
State of California

Order Denying Writ of Habeas Corpus
In re Bennett on Habeas Corpus
Crim No. 10978

Petition for Writ of Habeas Corpus Denied.

William I. Sullivan, Clerk
Supreme Court of the
State of California

APPENDIX B.

California Penal Code, Section 647.

Section 647, California Penal Code, reads in pertinent part:

Section 647. Disorderly conduct

Every person who commits any of the following acts shall be guilty of disorderly conduct, a misdemeanor.

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

APPENDIX C.

California Penal Code, Section 311.

Section 311, California Penal Code, reads in pertinent part:

Section 311. Definitions

As used in this chapter:

(a) "Obscene" means that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i. e., a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.

(b) "Matter" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statute or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

(c) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

(d) "Distribute" means to transfer possession of, whether with or without consideration.

(e) "Knowingly" means having the knowledge that the matter is obscene.

APPENDIX D.

California Penal Code, Section 290.

Section 290. Registration of sex offenders

Duty to register; time. Any person who, since the first day of July, 1944, has been or is hereafter convicted in the State of California of the offense of assault with intent to commit rape or the infamous crime against nature, under Section 220, or of any offense defined in Sections 266, 267, 268, 285, 286, 288, 288a, subdivision 1 of Section 647a, subdivision 3 or 4 of Section 261, subdivision (a) or (d) of Section 647, or subdivision 1 or 2 of Section 314 of this code, or of any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code; or any person who since said date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses; or any person who since said date or at any time hereafter is discharged or paroled from a penal institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses; or any person who since said date or at any time hereafter is determined to be a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code; or any person who has been since said date or is hereafter convicted in any other state of any offense which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time

register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

Notice of duty to register; prisoner or inmate. Any person who, after the first day of August, 1950, is discharged or paroled from a jail, prison, school, road camp, or other institution where he was confined because of the commission or attempt to commit one of the above-mentioned offenses or is released from a state hospital to which he was committed as a sexual psychopath under the provisions of Chapter 4 of Part 1 of Division 6 of the Welfare and Institutions Code shall, prior to such discharge, parole, or release, be informed of his duty to register under this section by the official in charge of the place of confinement or hospital and the official shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under this section has been explained to him. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his discharge, parole, or release and shall report such address to the State Bureau of Criminal Identification and Investigation. The official in charge of the place of confinement or hospital shall give the copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcemene agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Notice of duty to register; probationer or one paying fine. Any person who after the first day of August, 1950, is convicted in the State of California of the commission or attempt to commit any of the above-mentioned offenses and who is released on probation or discharged upon payment of a fine shall, prior to such release or discharge, be informed of his duty to register under this section by the court in which he has been convicted and the court shall require the person to read and sign such form as may be required by the State Bureau of Criminal Identification and Investigation, stating that the duty of the person to register under the section has been explained to him. The court shall obtain the address where the person expects to reside upon his release or discharge and shall report within three days such address to the State Bureau of Criminal Identification and Investigation. The court shall give one copy of the form to the person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release.

Contents of registration. Such registration shall consist of (a) a statement in writing signed by such person, giving such information as may be required by the State Bureau of Criminal Identification, and (b) the fingerprints and photograph of such person. Within three days thereafter the registering law enforcement agency shall forward such statement, fingerprints and photograph to the State Bureau of Criminal Identification and Investigation.

Change of address. If any person required to register hereunder changes his residence address he shall inform, in writing within 10 days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

Violation; offense. Any person required to register under the provisions of this section who shall violate any of the provisions thereof is guilty of a misdemeanor.

Confidential records. The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer.

APPENDIX E.

Settled Statement of Trial Court Proceedings.

In the Supreme Court of the United States, October Term, 1967, No. .....

Ramona Bennett and Moira C. Morse, Petitioners, v. People of the State of California, Respondent.

For purposes of petitioners' Petition for Writ of Certiorari, It Is Stipulated by and between attorneys for petitioners and attorney for the People of the State of California, Robert M. Short, Esquire, City of Redondo Beach Prosecuting Attorney, that the following settled statement is accurate:

1. Each of the petitioners was on the date arrested engaging in conduct within a place of business, to wit, The Blow Out, located at 2615 Artesia, City of Redondo Beach, County of Los Angeles, State of California; that said place of business at said time held an on-sale beer license issued by the Department of Alcoholic Beverage Control of the State of California and was conducting a business pursuant thereto while open to the public.

2. Petitioner Moira C. Morse was arrested on November 10, 1966, on an alleged violation of California Penal Code, Section 647, subsection (a). On January 19, 1967, petitioner Morse was brought to trial by jury and on January 23, 1967, convicted of violating Section 647, subsection (a), California Penal Code. Two City of Redondo Beach plain clothes detectives testified for

the prosecution that on the date of arrest they observed petitioner Morse perform a dance on a raised platform behind the bar to the accompaniment of juke box music and in full view of the patrons present; that at said time she wore nothing except a brief bikini type bottom and exposed her naked breasts, that during the course of said dance her breasts "swung from side to side and up and down and she thrust her pubic area backward and forward"; and that the body movements of the petitioner in their entirety were suggestive of an act of sexual intercourse to the arresting detectives.

3. Petitioner Ramona Bennett was arrested on November 19, 1966, on an alleged violation of California Penal Code Section 647, subsection (a). On January 31, 1967, petitioner Bennett was brought to trial by jury and on February 1, 1967, convicted of violating Section 647, subsection (a), California Penal Code. Two City of Redondo Beach plain clothes detectives testified for the prosecution that on the date of arrest they observed petitioner Bennett perform a dance on a raised platform behind the bar to the accompaniment of juke box music and in the full view of patrons then present; that at said time she wore nothing from the waist up and exposed her naked breasts; that during the said dance activity petitioner's "breasts swung from side to side"; that she "moved the lower part of her body in a circular motion"; that she "thrust her pelvic area forward and backward in time with rock and roll music that was loud and fast"; that she was "facing

patrons"; that the entire activity suggested sexual intercourse to the arresting detectives.

4. Before the matters were submitted to the jury in each case petitioners orally requested the trial court to instruct the jury as to the definition and applicability as to the test for obscenity as set forth in Section 311 of the California Penal Code. The trial court in each case denied the request.

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